

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DUAYNE WASHINGTON,

Defendant.

4:07CR3143

MEMORANDUM AND ORDER

Mr. Washington has filed a motion to reduce his sentence. (Filing no. 104.) I will deny it.

Mr. Washington seeks a sentence reduction under the Fair Sentencing Act of 2010 and the First Step Act. For a variety of reasons, he is not entitled to such relief.

First, on July 6, 2015, I reduced the defendant's sentence due to a retroactive change in the Guidelines. (Filing no. 63.)

Second, after having been released from prison the first time, Mr. Washington is now serving a 24-month prison sentence with no supervised release to follow because he violated his conditions of supervised release. (Filing no. 100.) No appeal was taken from the 24-month sentence and the time for doing so has expired. I doubt whether any change in the statute or the Guidelines, retroactively applying to the time of the original sentencing or prior sentence reduction, would impact a subsequent judgment regarding revocation of supervised release.

Finally, even if Mr. Washington was entitled to consideration for a reduction in his original sentence or the sentence subsequently reduced, I would not, in the exercise of my discretion, grant such relief by reducing his sentence for violation of supervised release. Mr. Washington has been afforded significant assistance while on supervised release but has failed to abide by the conditions of supervised release. Accordingly,

IT IS ORDERED that the motion to reduce sentence (Filing no. 104) is denied.

Dated this 23rd day of July, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge